

WILLIAM J. SEDLAK,)	
)	
Plaintiff,)	8:18CV515
)	
v.)	
)	
ANDREW SAUL, Commissioner of)	MEMORANDUM
the Social Security Administration,)	AND ORDER
)	
Defendant.)	
)	

The court has determined that Plaintiff was indeed the prevailing party in this action, as the Commissioner’s decision was reversed and remanded for further proceedings; the position of the Commissioner was not substantially justified; the application for fees was filed in a timely fashion; and Plaintiff’s net worth did not exceed two million dollars when the action was filed. *United States SEC v. Zahareas*, 374 F.3d 624, 630 (8th Cir. 2004); 28 U.S.C. § 2412(d)(1)(A), (2)(B). Plaintiff therefore is entitled to an award of reasonable attorney fees. Further, in accordance with *Astrue v. Ratliff*, 560 U.S. 586 (2010), while the EAJA fee is payable to Plaintiff as the litigant, Defendant concedes that “[a]s a matter of practice, an EAJA fee made payable to Plaintiff[] may properly be mailed to Plaintiff’s counsel.” (Filing 22.)

Accordingly,

IT IS ORDERED:

1. Plaintiff's Motion for Attorney Fees pursuant to the Equal Access to Justice Act (Filing 21) in the amount of \$2,088.07 is granted;
2. The EAJA fee is payable to Plaintiff as the litigant, but with Defendant's agreement, shall be sent to Plaintiff's counsel, Wes Kappelman, at Kappelman Law Firm, P.O. Box 1792, Ames, IA 50010; and
3. By separate document, the court shall enter judgment for Plaintiff and against Defendant, providing that Plaintiff is awarded attorney fees in the amount of \$2,088.07.

DATED this 29th day of October, 2019.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge